

110TH CONGRESS
2D SESSION

H. R. 6217

To amend title 39, United States Code, to modify the procedures governing the closure or consolidation of post offices.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2008

Mr. SIRES (for himself, Mr. PAYNE, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 39, United States Code, to modify the procedures governing the closure or consolidation of post offices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MODIFIED PROCEDURES.**

4 (a) IN GENERAL.—Section 404(d) of title 39, United
5 States Code, is amended by striking the matter before
6 paragraph (5) and inserting the following:

7 “(d)(1) Before making any determination under sub-
8 section (a)(3) to close or consolidate a post office, the
9 Postal Service shall conduct an investigation to assess the

1 need for the proposed closure or consolidation and shall
2 provide appropriate notice to the persons served by such
3 post office to ensure that such persons will have an oppor-
4 tunity to present their views. Such notice shall be made
5 to each person by mail, as well as by publication in news-
6 papers of general circulation in the area within which such
7 persons reside.

8 “(2) In deciding whether or not to close or consoli-
9 date a post office, the Postal Service—

10 “(A) shall consider—

11 “(i) the effect such closing or consolidation
12 would have on the community served by such
13 post office;

14 “(ii) the effect such closing or consolida-
15 tion would have on employees of the Postal
16 Service employed at such office; and

17 “(iii) whether such closing or consolidation
18 would be consistent with the policy of the Gov-
19 ernment, as stated in section 101(b), that the
20 Postal Service shall provide a maximum degree
21 of effective and regular postal services to rural
22 areas, communities, and small towns where post
23 offices are not self-sustaining; and

1 “(B) may not consider compliance with any
2 provision of the Occupational Safety and Health Act
3 of 1970.

4 “(3)(A) A decision to proceed with the proposal to
5 close or consolidate, following an investigation under para-
6 graph (1), shall be made in writing and shall include the
7 findings of the Postal Service with respect to each of the
8 considerations specified in paragraph (2)(A).

9 “(B) Notice of the decision and findings under sub-
10 paragraph (A) shall be posted prominently in each post
11 office that would be affected, and notice of the posting
12 shall be sent by mail to all persons served by such post
13 office, at least 90 days before a final determination is
14 made, to ensure that such persons will have an oppor-
15 tunity to submit comments.

16 “(C) Any posting under subparagraph (B) shall in-
17 clude the following: ‘This is notice of a proposal to
18 _____ this post office. A final determination will not
19 be made before the end of the 90-day period beginning
20 on the date on which this notice is first posted.’, with the
21 blank space being filled in with ‘close’ or ‘consolidate’
22 (whichever is appropriate), and with instructions for how
23 any interested person may submit comments.

24 “(4) A final determination to close or consolidate a
25 post office shall be made, in writing, after taking into con-

1 sideration any comments received in the course of the 90-
 2 day period referred to in paragraph (3). The Postal Serv-
 3 ice shall take no action to close or consolidate a post office
 4 before the end of the 60-day period beginning on the date
 5 as of which the Postal Service—

6 “(A) posts a copy of its final determination in
 7 a prominent location in each affected post office;
 8 and

9 “(B) sends to all persons served by such post
 10 office—

11 “(i) a notice of such determination; and

12 “(ii) notice of any appeal rights available
 13 with respect to such determination.”.

14 (b) SUSPENSION PENDING APPEAL.—Section
 15 404(d)(5) of title 39, United States Code, is amended in
 16 the next to last sentence by striking “may suspend” and
 17 inserting “shall suspend”.

18 (c) EXCEPTION.—Section 404(d) of title 39, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing:

21 “(7) The preceding provisions of this subsection shall
 22 not apply in the case of a closing or consolidation which
 23 occurs—

24 “(A) by reason of an emergency suspension, as
 25 defined under regulations of the Postal Service; or

1 “(B) in the case of a leased facility, by reason
2 of the termination or cancellation of the lease by a
3 party other than the Postal Service.”.

4 **SEC. 2. DEFINITIONS.**

5 Section 404 of title 39, United States Code, is
6 amended by adding at the end the following:

7 “(f) For purposes of this section—

8 “(1) the term ‘post office’ includes an office,
9 branch, station, or other facility which—

10 “(A) is operated by the Postal Service; and

11 “(B) provides services to persons described
12 in paragraph (2); and

13 “(2) any reference to the persons served by a
14 post office shall include any postal patrons receiving
15 mail delivery service from such post office, residents
16 within any ZIP code served by such post office, post-
17 al patrons holding post office boxes at such post of-
18 fice, and (as further defined under regulations of the
19 Postal Service) the relevant local government offi-
20 cials.”.

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